

Planning Statement:

Site Address: 174 Morley Road, Haringey, N22 6NT

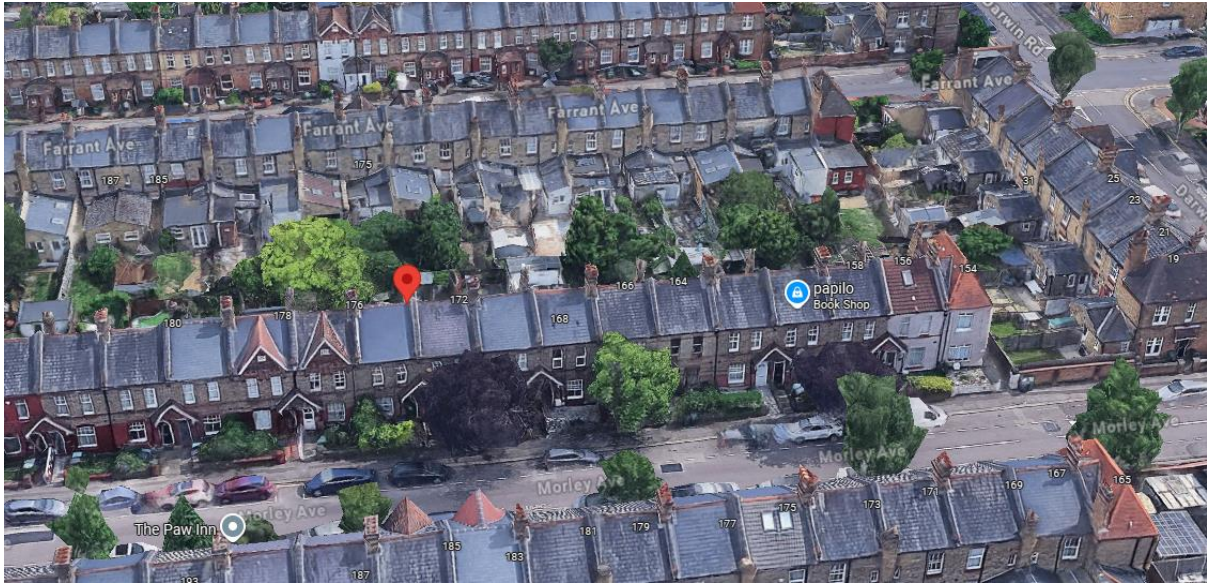
Introduction:

The Planning Statement is in support of the application for a Certificate of Lawfulness for the proposed change of use from Class C3(a), single family dwelling to Class C3(b), single household (children's home) ages 13-17 under the supervision of an adult carer.

Site Characteristics:

The site comprises a two-storey terraced dwellinghouse located in a predominantly residential area. The building is not listed and the site is not located within a conservation area.





Legislation:

Town and Country Planning (Use Classes) Order 1987 (as amended).

The Use Classes Order 1987 (as amended) ("UCO") puts the more common uses of land into various broad categories. Section 55 (2)(f) provides that a change to a different use falling within the same use class as the original use does not require planning permission.

Class 3-Dwellinghouses – Use as a dwellinghouse (whether or not as a sole or main residence by:

- a) A single person or by people to be regarded as forming a single household.
- b) Not more than six residents living together as a single household where care is provided for residents.**
- c) Not more than six residents living together as a single household where no care is provided to residents (other than a use within C4).

The Proposal:

The proposal seeks Certificate of Lawfulness for change of use from Use Class C3a (single family dwelling) to C3b (up to six people living together as a single household and receiving care). The proposal will take care of 2 children ages 13-17 alongside one permanent carer/staff member.

The ground floor includes a kitchen/dining room, including the carer bedroom along with access to a rear garden. The first floor accommodates two bedrooms for the 2 children.

The use of the property would therefore comprise a home for two children or young people living together as a single household, with care provided by a permanent

carer/staff member. The residents would share facilities such a bathroom, kitchen, and garden and as such would live in a similar manner to tenants within a residential property. The level of activity at the site in association with proposed use would not be materially different to the existing use of this site. Therefore, this would satisfy Class C3(b) of the Town and Country Planning Use Classes) Order 1987 (as amended).

There are no internal or external alterations proposed to the building as part of this application.

Confirmation of living together as a single household (Use Class 3(b))

- i. The proposed change would involve taking care of children who find it difficult to cope with living at home due to various reasons and would require a different living and caring environment where counselling, mentorship and living together as a single household under the supervision of an adult carer.
- ii. The house/home will be shared by 2 Children aged between 13 &17 years of age living in the house and looked after by a permanent care staff.
- iii. The property would be occupied and run as a normal family home with a single kitchen where all food would be cooked and eaten in a family environment. The children would share the communal kitchen/dining, bathroom and toilet for their social interactions and relaxation.
- iv. Each child would be cared for and live in a single household setting, sharing facilities and household tasks. The children would be guided and looked after by trained adult staff/carers at all times while performing other household tasks such as cleaning, cooking and laundry works.
- v. Because these are children who require guidance, the adult carer would have to be around in the building at all times and one room on the ground floor level would be set aside for the carer for that matter.

Relevant case law:

1. In *Gravesham Borough Council v Secretary of State for the Environment* (1982) P&CR 142, McCulloch J in the High Court was required to consider the definition of a dwelling house. He held that a distinctive characteristic of a dwelling house was its ability to afford to those who used it the facilities required for day-to-day private domestic existence.
2. In *North Devon District Council v The First Secretary of State* [2003] EWHC 157 Admin ("North Devon"). North Devon and Stockport LDC ("Stockport") appeal decision 1, confirms that it is unrealistic to expect children to look after themselves in a single household. The concept of living together as a

household means that a properly functioning household must exist. This means the children and carers must be familiar, with carers either residing or staying at the property on a temporary basis.

3. In the appeal of R(Hossack) v Kettering BC 2002, the court held that the important consideration was that 6 or fewer people should be resident. Staff in a small care home do not actually have to reside full time, as a principal address, for the unit not to be viewed as a household.

Conclusion

The proposed C3b use and existing C3a use both fall within C3 use class as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) and planning permission is not required to change between uses within the same use class. Therefore, we anticipate that the Council will respectfully issue Lawful Development Certificate in this instance.